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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,635	03/01/2002	Hirokazu Kimura	UNIU57.001APC	7611
20995	7590	04/19/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			ADAMS, GREGORY W	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3652	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/070,635	KIMURA, HIROKAZU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory W. Adams	3652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 objected to because of the following informalities:

line 8 should be rewritten from "the carriage" to —each carriage—. See also lines 10, 13 & 22-23.

line 21 should be rewritten from "supported to the rail" to —supported by the rail--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 & 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "and/or" in claim 1, lines 10 & 18 and claim 15, line 2 render the claim indefinite because it is unclear whether a table moves both above a column top end and below a column bottom end or in the alternative whether a table moves either above a column top end or below a column bottom end. See MPEP § 2173.05(d). Because a table that does both is not enabled by Applicant's Specification, for examination purposes it is presumed that Applicant intended the latter, i.e. a table that is capable of moving above the top end of the vertical columns or below the bottom end of the vertical columns.

With respect to claim 16, does the passage "up-and-down both sides of an object carry in-and-out floor" describe a location, e.g. along both sides..., or structure that moves up-and-down. This claim is unclear.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 12 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (DE 3831463) in view of Hastings (US 996,641) (previously cited).

With respect to claims 1, 4 & 16, Meyer discloses a transfer device comprise a plurality of carriages 80, 90 in parallel which share a weight of a transfer device which rotate, vertical columns 78, 80, fixed to an inner ring, a table 88 having a stroke along vertical columns, a drivingly running mechanism. With respect to "capable" in line 17, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Meyer's table is certainly capable of moving past a column bottom end because it is suspended by cables and may drop below columns.

Meyer does not disclose carriages comprising wheels sandwiched between rings that ride along a horizontal rail. Hastings discloses a carriage having inner rings a4 and

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outer rings a3 that sandwich a wheel B such that rings a3, a4 run with wheels B along a horizontal rail C. Hastings disclose that rings a3, a4 sandwiching wheels B provide a revolving support with central area underneath a table free. Page 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Meyer's carriages to add an inner and outer rings sandwiching wheels, as per the teachings of Hastings, to open up the middle of an area located underneath a rotating table.

With respect to claim 12, Meyer's table 88 is sized to accommodate one object.

With respect to claim 15, Meyer's columns extend below a lowest carriage. Fig. 1.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (DE 3831463) in view of Hastings (US 996,641) and Van Dijk (WO 97/16613) (previously cited). Meyer disclose a transfer device, and does not disclose an upper and lower transfer device. Van Dijk discloses a transfer device structure 1 comprising vertically aligned upper and lower transfer devices and a carry in-and-out floor 4. Col. 2, lns. 1-35. Van Dijk teaches use of two vertically orientated transfer devices, one above ground and one below, requires only one entry/exit and further for flexibility and integration into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances. Col. 1, ln. 50 - col. 2, ln. 35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the structure of Meyer to include vertically aligned transfer devices, as per the teachings of Van Dijk, to provide two vertically orientated transfer devices, one above ground and one below, because this configuration requires

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only one entry/exit and further provides flexibility and integration of transfer devices into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, 12-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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